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DATE: 9/24/08

PTO IDENTIFIER: Application Number 10/563,687-Conf. #3404  
Patent Number

Inventor: Jacques Benveniste

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: FULBRIGHT &amp; JAWORSKI L.L.P.

C. Andrew Im

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Attorney Dkt. #: NY-GRYN 229-US (10601562)

PAGES (Including Cover Sheet): 16

**CONTENTS:** Revised Amendment in Response to Non-Final Office Action  
Response to Notice of Non-Compliant Amendment (1 page)  
Copy of Notice of Non-Compliant Amendment  
Certificate of Transmission (1 page)

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Docket No.: NY-GRYN 229-US  
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Patent Application of:  
Jacques Benveniste

Application No.: 10/563,687

Confirmation No.: 3404

Filed: December 11, 2006

Art Unit: 1641

For: DIAGNOSTIC TEST

Examiner: L. V. Cook

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Non-Compliant Amendment dated September 5, 2008 (copy attached), applicants are submitting a revised Amendment in Response to Non-Final Office Action in response to the Office Action dated May 1, 2008. The revised amendment contains the whole paragraph of the amendments to the specification.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0624, under Order No. NY-GRYN 229-US (10601562) from which the undersigned is authorized to draw.

Respectfully submitted,

By 

C. Andrew Im

Registration No.: 40,657

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New York, New York 10103

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PTO/SB/97 (09-04)

Approved for use through 07/31/2008. OMB 0851-0031

U. S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Application No. (if known): 10/563,687

Attorney Docket No.: NY-GRYN 229-US

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Revised Amendment in Response to Non-Final Office Action  
Response to Notice of Non-Compliant Amendment (1 page)  
Copy of Notice of Non-Compliant Amendment

**UNITED STATES PATENT AND TRADEMARK OFFICE****UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office****Address: COMMISSIONER FOR PATENTS****P.O. Box 1450****Alexandria, Virginia 22313-1450****www.uspto.gov**

24972

09/05/2008

FULBRIGHT & JAWORSKI, LLP  
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NEW YORK, NY 10103-3198

**Paper No.**

<b>Application No.:</b> 10/563,687 	<b>Date Mailed:</b> 09/05/2008
<b>First Named Inventor:</b> Benveniste, Jacques,	<b>Examiner:</b> COOK, LISA V
<b>Attorney Docket No.:</b> NY-GRYN 229-US	<b>Art Unit:</b> 1641
<b>Confirmation No.:</b> 3404	<b>Filing Date:</b> 12/11/2006

Please find attached an Office communication concerning this application or proceeding.

FULBRIGHT & JAWORSKI, LLP  
IPT DOCKETING  
Docketed ☐ Not Req'd ☐ Confirmation ☐  
Initials 1st \_\_\_\_\_ Initials 2nd \_\_\_\_\_

SEP 09 2008

Attorney OA 1  
Docket No. GRYN 229 US  
Action Req'd \_\_\_\_\_ Date Due \_\_\_\_\_

**Commissioner for Patents**

<b>Notice of Non-Compliant Amendment (37 CFR 1.121)</b>	Application No. 10/563,687	Applicant(s) BENVENISTE, JACQUES	
		Art Unit 1600	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

The amendment document filed on 01 August, 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other you must include the whole paragraph not just one word.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings:
  - ☐ A. ~~The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).~~
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_
- ☐ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /GLORIA TRAMMELL/ Telephone No: (571)272-0561

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